

**RULES
OF
TENNESSEE DEPARTMENT OF SAFETY
DRIVER CONTROL DIVISION**

**CHAPTER 1340-1-10
MOTOR VEHICLE ACCIDENT PREVENTION COURSES FOR
LIABILITY INSURANCE PREMIUM REDUCTION**

TABLE OF CONTENTS

1340-1-10-.01	Purpose	1340-1-10-.07	Sponsoring Agency Course Administration
1340-1-10-.02	Definitions	1340-4-10-.08	Delivery Agency Course Administration
1340-1-10-.03	Course and Sponsoring Agency Approval	1340-1-10-.09	Course Advertising
1340-1-10-.04	Delivery Agency Approval	1340-1-10-.10	Records of Certification of Course
1340-1-10-.05	Course Instructor Approval		
1340-1-10-.06	Denial or Suspension of Approval-Hearing Completion		

1340-1-10-.01 PURPOSE. To establish a system for an appropriate reduction of the premium for automobile liability insurance of those insured over the age of 55 who successfully complete a motor vehicle accident prevention course. The Commissioner of Safety is authorized to approve at least eight hours of classroom instruction and a Defensive Driving Course, course instructors, and record maintenance of certification of course completion. This proposed rule sets forth the requirements for the approval of such courses, the agencies which deliver such courses, the instructors presenting such courses and the records necessary for the integrity of the program and verification of eligibility.

Authority: T.C.A. §56-7-1107. **Administrative History:** Original rule filed January 25, 1984; effective April 15, 1984.

1340-1-10-.02 DEFINITIONS. For the purpose of this rule, the following terms shall have these meanings:

- (1) Course shall mean a motor vehicle accident prevention course which is found by the Commissioner of Safety to meet or exceed the standards of the National Safety Council's 8-hour classroom safety instruction program.
- (2) Sponsoring agency shall mean an organization which has created and established an approved motor vehicle accident prevention course.
- (3) Delivery agency shall mean an organization which actually conducts a sponsoring agency's approved motor vehicle accident prevention course.
- (4) Instructor shall mean an individual who has been approved by both the applicable sponsoring agency and the Program Administrator of the Department of Safety for the purpose of conducting an approved motor vehicle accident prevention course.
- (5) Commissioner shall mean the Commissioner of the Department of Safety.
- (6) Director shall mean the Director of the Driver Control Division of the Department of Safety.
- (7) Program Administrator shall mean that individual designated by the Commissioner as responsible for administering the provisions of this rule.

Authority: T.C.A. §56- 7-1107. **Administrative History:** Original rule filed January 25, 1984; effective April 15, 1984.

1340-1-10-.03 COURSE AND SPONSORING AGENCY APPROVAL. A sponsoring agency which proposes to offer a motor vehicle accident prevention course to the public for liability insurance premium reduction must submit a completed application for approval to conduct such course on a form prescribed by the Commissioner and receive approval from the Program Administrator before such course can qualify for insurance premium reduction.

- (1) In order to be approved, a motor vehicle accident prevention course must:
 - (a) have been given for at least two (2) years and research documentation showing evidence of effectiveness, if available, or a detailed description of the method or plan of such evaluation must be presented. However, a course which has not been given for at least two (2) years may be approved on a probationary basis for two (2) years subject to a review of the course curriculum and a review of an actual presentation of the course with research documentation showing evidence of effectiveness, if available, or a detailed description of the method or plan of such evaluation to be presented prior to renewal of probationary approval;
 - (b) provide a minimum of eight (8) hours of classroom instruction. It is recommended that the entire course not be completed within a single day to allow time for adequate comprehension of traffic safety concepts. Such information must address the following subject areas and at least one (1) classroom hour must be devoted to each:
 1. the concept of accident preventability including a discussion of the magnitude of traffic accident problems;
 2. defensive driving techniques;
 3. alcohol and/or any other drug or medication, and aging process as each affects safe driving ability;
 4. the risk factors involved in errant driver attitude and behavior such as speeding, reckless driving improper lane use, etc.; and
 5. traffic laws in the State of Tennessee.
 - (c) incorporate audio-visual aids such as films, blackboards, magnetic boards, flip charts, slides, etc. when appropriate. Films, filmstrips, audio recordings, etc., should not exceed an aggregate of one quarter of the total presentation time;
 - (d) be able to be subjected to quality control procedures acceptable to the Commissioner in order to ensure that the course continues to meet the standards set forth in this rule. This will involve the periodic review of administrative procedures, documentation of completions, and program monitoring; and
 - (e) provide to the Program Administrator a copy of an instructor's manual, course participant's manual, and a description of audio-visual aids utilized in the presentation of the course.
- (2) In order to be approved, a sponsoring agency must:
 - (a) provide an instructor preparation course of at least eight (8) hours classroom instruction to ensure competency in delivering the course;
 - (b) provide each instructor. With an instructor's manual, instructional material (audio- visuals), and provide student workbooks and/or manuals when necessary to follow and participate in the course;

(Rule 1340-1-10-.03, continued)

- (c) establish and maintain a record system compatible with the Commissioner's requirements for maintenance of records of certification of course completion and submission of such information to the Program Administrator;
- (d) designate in the application for approval an individual as representative of the sponsoring agency, including address and telephone number, who is responsible for all dealings with the Commissioner, Director and/or Program Administrator in order to provide efficient administration of the course;
- (e) provide an address and telephone number which may be disseminated to the public; and
- (f) maintain an office and staff in the State of Tennessee for the operation and supervision of such course.

Course and sponsoring agency approval must be renewed every two (2) years by submitting a completed application for approval to the Program Administrator.

Authority: T.C.A. 56-7-1107. **Administrative History:** Original rule filed January 25, 1984; effective April 15, 1984.

1340-1-10-.04 DELIVERY AGENCY APPROVAL. A delivery agency which conducts a sponsoring agency's course must have such sponsoring agency submit a completed application for approval on a form prescribed by the Commissioner and receive approval from the Program Administrator before it can conduct such approved course for liability insurance premium reduction.

In order to be approved, a delivery agency must:

- (1) utilize an instructor or instructors who are approved pursuant to Rule 1340-1-10-.05.
- (2) provide the identifying number of the driver education instructor's certificate or driver training school instructor's license and the date of their last renewal for all instructors who have or at any time have had such certificates or licenses;
- (3) provide names and addresses of all instructors who will be utilized by the delivery agency indicating those instructors who have been approved pursuant to Rule 1340-1-10-.05.
- (4) provide the address and description of the classroom facility. Maximum capacity must be indicated. Classes may not exceed 35 students or the maximum capacity of the accommodation, whichever is less. Classroom facilities should provide adequate space, lighting, ventilation, and freedom from distracting noises. If a delivery agency conducts an approved course at more than one (1) location, an address and description of each classroom facility must be filed.

Delivery agency approval must be renewed every two (2) years by submitting a completed application for approval to the Program Administrator.

Authority: T.C.A. §56-7-1104. **Administrative History:** Original rule filed January 25, 1984; effective April 15, 1984.

1340-1-10-.05 COURSE INSTRUCTOR APPROVAL. All instructors must be approved by the Program Administrator prior to their conducting an approved course. In order to be approved, an instructor must:

(Rule 1340-1-10-.05, continued)

- (1) have the delivery agency submit to the Program Administrator a completed application on a form prescribed by the Commissioner. Such application shall certify that the instructor has successfully completed the sponsoring agency's instructor preparation course and has been approved by such agency as an instructor of the approved course;
- (2) have experience in communication skills, working knowledge of curriculum topics, ability to organize material for presentation and ability to make accurate assessments of driving attitude and behavior; and
- (3) have held a valid driver's license for a period of at least two (2) years immediately prior to the date of application. An instructor's driving privileges must not have been suspended or revoked for one (1) or more traffic violations within the past seven (7) years.

An instructor's approval must be renewed every two (2) years by submitting a completed application for approval to the Program Administrator.

Authority: T.C.A. §56-7-1107. **Administrative History:** Original rule filed January 25, 1984; effective April 15, 1984.

1340-1-10-.06 DENIAL OR SUSPENSION OF APPROVAL-HEARING.

- (1) The Program Administrator may deny the approval of:
 - (a) a course and sponsoring agency if the Program Administrator determines that such course does not meet or exceed the standards of the National Safety Council's Defensive Driving Course's 8 hour classroom safety instruction program.
 - (b) a course and sponsoring agency, delivery agency, or instructor who does not meet the requirements of this rule.
- (2) The Program Administrator may suspend the approval of a course and sponsoring agency, delivery agency, or instructor for a period of not less than 30 days nor more than 90 days pending an investigation and hearing.
 - (a) The Program Administrator may suspend the approval of a course and sponsoring agency, delivery agency, and/or instructor if it is determined that there has been a failure to comply with any provision of this rule.
 - (b) The Program Administrator may suspend the approval of an instructor if it is determined that an instructor's driving privileges have been suspended, revoked, or cancelled in this or any other jurisdiction.
- (3) Upon the denial or suspension of approval, the Program Administrator shall notify the sponsoring agency, delivery agency, or instructor of such action in writing, including the specific -rounds for such action, and shall further advise of the date, time and location of a hearing regarding such action. A decision adverse to the agency is subject to review pursuant to the Uniform Administrative Procedures Act upon his filing of a petition therefor within thirty (30) days from receipt of the adverse decision.

Authority: T.C.A. §56-7-1107. **Administrative History:** Original rule filed January 25, 1984; effective April 15, 1984.

(Rule 1340-1-10-.07, continued)

1340-1-10-.07 SPONSORING AGENCY COURSE ADMINISTRATION. An approved sponsoring agency must:

- (1) at the time of approval provide the Program Administrator with the name and location of all proposed local delivery agencies for approval by the Program Administrator. In addition, notification of withdrawal, termination, or addition of delivery agencies must be provided Within ten days to the Program Administrator so that an up-to-date listing of all motor vehicle accident prevention course locations may be maintained;
- (2) provide the Program Administrator with notification, within 15 days from course completion, that a student has successfully completed such course on a form and in a manner prescribed by the Commissioner, including the following information on each student:
 - (a) complete name, sex, and date of birth (as it appears on the student's Tennessee driver's license);
 - (b) Tennessee driver's license number;
 - (c) Tennessee address;
 - (d) name of approved course completed by the student;
 - (e) name of delivery agency;
 - (f) date of course completion;
 - (g) instructor's name; and
 - (h) notification if the student was required to complete the course as a result of convictions of motor vehicle laws of this state.
- (3) perform all administrative functions in connection with the course in accordance with the procedures and regulations established by the Commissioner;
- (4) authorize the Commissioner to audit the records of the approved course and to monitor and evaluate any and all portions of the course including the classroom facility, use of instructional material, and the presentation of the course; and
- (5) advertise its course in compliance with the requirements set forth in Rule 1340-1-10-.09.

Authority: T.C.A. §56-7-1107. **Administrative History:** Original rule filed January 25, 1984; effective April 15, 1984.

1340-1-10-.08 DELIVERY AGENCY COURSE ADMINISTRATION. An approved delivery agency must:

- (1) provide and/or train instructors to conduct an approved course for liability insurance premium reduction; prior to enrollment in the course, review each course applicant's current annual motor vehicle liability insurance premium and provide in writing the total expected savings in such premium, based on the current premium rate, the current premium reduction rate, and the cost of the course;

(Rule 1340-1-10-.08, continued)

- (3) conduct the course in the classroom facility as described in its application;
- (4) provide the sponsoring agency with all information required for maintenance of records of course completion, and notification to the Program Administrator;
- (5) perform all administrative functions in connection with the course in accordance with the procedures and regulations established by the Commissioner;
- (6) refund any fees collected from a person enrolled in the course in any case in which the agency is unable to conduct the course.
- (7) authorize the Commissioner to audit the records of the approved course and to monitor and evaluate any and all portions of the course, including the classroom facility, use of instructional material, and the presentation of the course;
- (8) advertise its course in compliance with the requirements set forth in Rule 1340-1-10-.09; and
- (9) provide the Commissioner with a monthly schedule of class dates, times, and locations at least two (2) weeks prior to the first day of each month.

Authority: T.C.A. §56-7-1107. **Administrative History:** Original rule filed January 25, 1984; effective April 15, 1984.

1340-1-10-.09 COURSE ADVERTISING. The Commissioner reserves the right to review and approve all advertising. The sponsoring agencies will be held responsible for all advertising by their respective delivery agencies.

The Commissioner may make information regarding Motor vehicle accident prevention courses for liability insurance premium reduction available at driver testing locations. However, the Commissioner reserves the right to cease doing so in cases where the Commissioner believes the information being distributed may be misleading or inappropriate.

Advertising by a sponsoring agency and/or a delivery agency approved to administer or conduct an approved course must conform with the following:

- (1) it may not use or allow the use of advertising which portrays the agency as a representative or employee or in any other way associated with the Commissioner of Safety or the Department of Safety;
- (2) it may make no false or misleading claims or statements in any of its advertising relating to insurance premium reduction, or program effectiveness and benefits;
- (3) at least one (1) form of printed advertising must provide the course fee or fee schedule; and
- (4) all advertising must indicate that the agency and course has been and is currently approved by the Commissioner of Safety.

Authority: T.C.A. §56- 7-1107. **Administrative History:** Original rule filed January 25, 1984; effective April 15, 1984.

(Rule 1340-1-10-.10, continued)

1340-1-10-.10 RECORDS OF CERTIFICATION OF COURSE COMPLETION. A sponsoring agency will be responsible for maintaining records on all individuals completing its motor vehicle accident prevention course for liability insurance premium reduction in a manner which will facilitate the ease of verifying an individual's certification of completion to the Program Administrator.

Each sponsoring agency is required to submit to the Program Administrator information pertaining to each individual's Completion of such course on a form and in a manner prescribed by the Commissioner and in conformity with Rule 1340-1-10-.07.

The Commissioner shall insure to each eligible driver certified by an approved sponsoring agency as having successfully completed an approved course a certificate of eligibility for liability insurance premium reduction which may be presented by the driver to an insurance company or agency as qualification for such reduction.

Authority: T.C.A. §56-7-1107. **Administrative History:** Original rule filed January 25, 1984; effective April 15, 1984.